

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JAMES EVERETT SHELTON; individually
and on behalf of those similarly situated,

Plaintiffs,

v.

DIRECT ENERGY, LP, and KAA ENERGY,
INC.

Defendants.

Case No. 1:19-cv-81-JG

**JOINT MOTION TO EXCUSE CLIENT ATTENDANCE OR ALTERNATIVELY
TO APPEAR TELEPHONICALLY**

Defendants Direct Energy, LP (“Direct Energy”), KAA Energy (“KAA”), and Plaintiff James Everett Shelton (“Shelton”) jointly file this motion to excuse client attendance at the Case Management Conference on February 21, 2019, at 10:00 a.m. While the parties acknowledge and appreciate the benefits and goals of LR 16.3(b)(1), the parties agree that this is not a matter for early resolution. This is a putative class action for purported violations of the Telephone Consumer Protection Act—based on an unknown number of calls. Defendants have moved to dismiss, and based solely on the pleadings, the parties are unable to reasonably evaluate any settlement position. Furthermore, in-person participation would be burdensome for the parties. The Defendants’ client representatives are located in Texas, and Plaintiff is a student at Case Western Reserve University. Thus, good cause exists. In the alternative, the parties request that the Court to permit all client representations to participate telephonically. Counsel will appear in-person.

Dated: February 12, 2019.

By: /s/ William B. Thomas

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*Counsel for Plaintiff James Everett Shelton,
et al.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the 12th day of February via CM/ECF on all counsel of record.

/s/ William B. Thomas
William B. Thomas
Attorney for Direct Energy, LP